

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

DONALD M. LEAKE,

Plaintiff-Appellant,

v.

No. 99-2569

JOHN A.C. KEITH,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Virginia, at Harrisonburg.
B. Waugh Crigler, Magistrate Judge.
(CA-99-65-5)

Submitted: March 14, 2000

Decided: March 28, 2000

Before WIDENER, LUTTIG, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Donald M. Leake, Appellant Pro Se. Edward Meade Macon, OFFICE
OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Vir-
ginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See
Local Rule 36(c).

OPINION

PER CURIAM:

Donald Leake appeals the magistrate judge's order dismissing as frivolous his civil action alleging libel and malicious prosecution, and granting Defendant John Keith's motion for sanctions pursuant to Fed. R. Civ. P. 11(c).^{*} We have reviewed the district court record and the pleadings filed in this court and find that the appeal is meritless. Accordingly, we affirm.

As the magistrate judge correctly concluded, the complaint was barred by collateral estoppel and the Rooker-Feldman doctrine. See Migra v. Warren City Sch. Dist., 465 U.S. 75, 83-85 (1984); District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 476 (1983); Rooker v. Fidelity Trust Co., 263 U.S. 413, 416 (1923). Further, Leake's claims were essentially state law claims, but there was no diversity of citizenship. See 28 U.S.C.A. § 1332 (West 1993 & Supp. 1999). To the extent that the action could be construed as one under 42 U.S.C.A. § 1983 (West Supp. 1999), the claims against Keith are not cognizable because they are based solely on a respondeat superior theory. See Monell v. Department of Social Servs., 436 U.S. 658, 693-94 (1978). Finally, the magistrate judge did not abuse his discretion in awarding sanctions under Fed. R. Civ. P. 11. Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 405 (1990); Blue v. United States Dep't of Army, 914 F.2d 525, 538-39 (4th Cir. 1990).

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

^{*}The parties consented to the jurisdiction of the magistrate judge pursuant to 28 U.S.C.A. § 636(c) (West 1993 & Supp. 1999).